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Table of Mimetic Influences related to Steve Charnovitz, "What the World Trade Organization Learned from the ILO," in Adelle Blackett & Anne Trebilcock eds., Research Handbook on Transnational Labour Law (Edward Elgar, forthcoming 2015)

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Steve Charnovitz

Table on Mimetic Influences
May 7, 2014

Author's Table related to Steve Charnovitz, "What the World Trade Organization Learned from the ILO," in Adelle Blackett & Anne Trebilcock eds., *Research Handbook on Transnational Labour Law* (Edward Elgar, forthcoming 2015).

Influence of ILO Complaint Procedures on World Trading System			
Provision	ILO (1919)	ITO (1948)	WTO (1994)
Cause of action against treaty violation by a government	Yes	Yes	Yes
Standing of a government to initiate dispute	Yes if state had ratified Convention	Yes	Yes
Standing of an Organization's Governing Body to initiate dispute	Yes	No	No
Standing of a non-governmental actor to initiate dispute	Yes	No	No

Referral of dispute to <i>independent</i> first-level adjudicator	Yes, referral to the Commission of Inquiry	No, consideration by Executive Board	Yes, referral to WTO panel
Roster of potential adjudicators	Yes	N/A	Yes
Exclusion from tribunal of nominees/citizens from litigating states	Yes, nominees	N/A	Yes, citizens unless otherwise agreed
First-level tribunal reports findings and recommendations	Yes	Yes	Yes
Report required to be published	Yes	No	No, yet published in practice
Report includes recommendation of time for implementation	Yes	No	Yes, but only for prohibited subsidies
Accused government	Yes, whether it accepts the	No	Yes, regarding its intentions for

asked to respond to Report	recommendations		implementation
Independent proposal or determination of economic measures against defaulting country	Yes by Commission or PCIJ	No	Yes by arbitrator
Right to appeal findings of illegality to independent tribunal	Yes, to PCIJ	Yes, an appeal to the ICJ of the second-level Conference decision	Yes, to the Appellate Body
If violation is upheld, right of governments to take economic measures against defaulting government failing to comply	Yes, any government (collective sanction)	No, depends on decision of ITO Conference	Yes, but only the complaining governments
Options for appellate review	Affirm, vary or reverse	Confirm, modify or reverse (ITO Conference)	Uphold, modify or reverse
Adjudication of	Yes, defaulting	No	Not de jure, but

discontinuance of economic measures upon compliance	government may claim steps necessary to comply and that will be verified by PCIJ		provided in WTO caselaw
Right of retrospective reparation	No	No	No